

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

JUL 31 2003

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte OLAF VANCURA

Application No. 09/372,560

ORDER RETURNING UNDOCKETED APPEAL

This application was received at the Board of Patent Appeals and Interferences on July 24, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

An examination of the file reveals that a Information Disclosure Statement (IDS) was filed March 20, 2002 (Paper No. 24). It is not apparent from the record whether the examiner considered the statement submitted or notified appellant of why his submission did not meet the criteria set forth in 37 CFR

Application 09/372,560

§§ 1.97 and 1.98. A communication notifying appellant of the Primary Examiner's decision is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1. for consideration of the IDS filed March 20, 2002 (Paper No. 24) and appropriate written notification to appellant regarding the Primary Examiner's decision; and
2. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
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By:



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